

85th Legislative Session – 2010

Committee: Senate Commerce

Tuesday, February 16, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Gant
P Merchant
P Nesselhuf
P Turbak Berry
P Nelson, Vice-Chair
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 11, 2010

Moved by: Gant
Second by: Nesselhuf
Action: Prevailed by voice vote.

SB 116: require that certain insurers provide notice by certified or registered mail under certain circumstances.

See prior testimony on Thursday, February 4, 2010

Presented by: Senator Frank Kloucek
Proponents: Randy Moses, Division of Insurance

MOTION: AMEND SB 116

116ja

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. Any health insurer who receives an accurate, complete application for an individual policy of health insurance accompanied by a draft for at least the first month's premium, shall promptly provide actual notice to the applicant, by registered or certified mail, if the insurer's underwriting decision as to whether or not the insurer accepts the risk applied for will be delayed more than twenty days from the receipt of the application and premium. If the insurer's delay is due to any request for additional information or the issuance of any riders on the coverage, the notice shall clearly inform the applicant of the effect of such request or issuance on the effective date of any coverage. "

Moved by: Merchant
Second by: Nelson
Action: Prevailed by voice vote.

MOTION: DEFER SB 116 TO THE 41ST LEGISLATIVE DAY

Moved by: Nelson
Second by: Merchant
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

SB 173: provide a maximum finance charge for payday loans and title loans.

Presented by: Senator Sandy Jerstad
Proponents: Cathy Brechtelsbauer, self, Sioux Falls
Roger Easland, self, Pierre
Dianna Miller, Goodwill Industries, and SD Network Against Family Violence & Sexual Assault
Opponents: Brett Koenecke, Commercial Financial Services Association
Michael DeMersseman, Dollar Loan Center (Handout: 1)
Curt Everson, SD Bankers Association
Dan Henderson, Money Central Incorporated (Handout: 2)
Rexford Hagg, self, Rapid City (Handout 3)

MOTION: DEFER SB 173 TO THE 41ST LEGISLATIVE DAY

Moved by: Adelstein
Second by: Gant

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Nelson, Olson (Russell)

Voting No: Turbak Berry

SB 188: revise certain provisions regarding the days and hours that alcoholic beverages may be sold on a licensed premise and who may sell, serve, or dispense alcoholic beverages on a licensed premise and to revise certain provisions concerning the power of municipalities and counties to regulate the sale and use of alcoholic beverages.

Presented by: Senator Thomas Nelson

Proponents: Larry Nelson, Hy-Vee, Inc. (Handout: 4)

Opponents: Tim Dougherty, Licensed Beverage Dealers of SD

MOTION: DEFER SB 188 TO THE 41ST LEGISLATIVE DAY

Moved by: Adelstein

Action: Died for lack of a second.

MOTION: AMEND SB 188

188tb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 35-4-121 be amended to read as follows:

35-4-121. Any person, corporation, or business entity that is issued a new retail license under subdivision 35-4-2(3) in a municipality of the first class after June 30, 2008, and derives more than fifty percent of the licensee's annual gross receipts from the sale of food, prepared food, and food ingredients at the location where the license is held, shall ~~sell~~ display its alcoholic beverages, other than malt beverages, in an area which is separated by a physical barrier from the rest of the establishment. For the purposes of this section, a physical barrier includes a wall or fence erected for the sole purpose of separating the area in which the alcoholic beverages are ~~sold~~ displayed from the rest of the establishment."

Moved by: Gant

Second by: Nelson

Action: Prevailed by voice vote.

MOTION: DO PASS SB 188 AS AMENDED

Moved by: Gant

Second by: Nelson

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson

Voting No: Olson (Russell)

MOTION: AMEND TITLE OF SB 188

188tta

On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise certain provisions relating to the sale and display of alcoholic beverages in establishments that sell food.".

On page 1, delete lines 2 to 5, inclusive.

Moved by: Nelson

Second by: Gant

Action: Prevailed by voice vote.

SB 168: increase the amount of coverage provided by the South Dakota Life and Health Insurance Guaranty Association for long-term care insurance.

Presented by: Senator Nancy Turbak Berry

Proponents: Charles Gullickson, self, Sioux Falls

Opponents: Randy Moses, Division of Insurance

MOTION: DO PASS SB 168

Moved by: Turbak Berry

Second by: Nesselhuf

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE SB 168 ON CONSENT CALENDAR

Moved by: Turbak Berry
Second by: Merchant
Action: Prevailed by voice vote.

SB 169: limit the subrogation of certain insurers unless and until the insurer is made whole.

Presented by: Senator Nancy Turbak Berry
Proponents: Verne Goodsell, self, Rapid City
Michael Demersseman, Self, Rapid City
Rex Hagg, self, Rapid City
Opponents: Mike Shaw, Property Casualty Insurance Association of America
Dick Tieszen, State Farm Insurance
Dick Gregerson, Wellmark Blue Cross Blue Shield of SD
Dennis Duncan, Dakotacare

THE CHAIR DEFERRED SB 169 UNTIL THURSDAY, FEBRUARY 18, 2010

MOTION: ADJOURN

Moved by: Nesselhuf
Second by: Gant
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Russell Olson, Chair